

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

**SERVICE APPEAL NO. 1384/2023.**

Muhammad Javed son of Akbar Khan resident of Sir Syed Colony House No. 17 Street No.  
2 Abbottabad, Presently Posted at Police School of Intelligence, Abbottabad.

.....Appellant.


**VERSUS**

1. Government of Khyber Pakhtunkhwa, through Secretary Home & TAs Department, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, (CPO), Peshawar.
3. Deputy Inspector General of Police (Training), Central Police Office, Khyber Pakhtunkhwa, Peshawar.
4. Deputy Inspector General of Police / Head Quarter, Khyber Pakhtunkhwa, Peshawar.
5. Deputy Inspector General of Police/ RPO Hazara Region, Abbottabad.
6. District Police Officer, Abbottabad.

.....Respondents.

**INDEX.**

S. No.	Detail of Documents	Annexure	Page No.
1	Reply.	-	1 to 3
2	Authority letter		4
3	Affidavit.	-	5
4	Copies of Service Record	"A"	6 to 10
5	Copies of Police Rules 9-7 (2)	"B"	11
6	Copy of Judgment of Apex Court	"C"	12 to 16
7	Copy of Service Record	"D"	17 & 18
<b>TOTAL</b>			<b>18 Pages</b>

  
**Dy: Superintendent of Police,  
Legal, Abbottabad.**

*29-05-24  
A. Ahsan  
S.B*

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6. District Police Officer, Abbottabad.

.....Respondents.

**Para-wise comments on behalf of respondents.**

Respectfully Sheweth.

That the respondents submit as under:-

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. \_\_\_\_\_

Dated \_\_\_\_\_

**PRELIMINARY OBJECTIONS:-**

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct to file the instant appeal.
3. That the appellant has not come to the Hon'ble Tribunal with clean hands.
4. That the appellant has suppressed material facts from the Hon'ble Tribunal.
5. That the instant Service Appeal is barred by law and limitation.

**ON FACTS:-**

1. That the instant appeal is badly time barred. The appellant has not approached the competent authority for the correction of his date of birth within relevant time. Hence, liable to rejection.
2. Incorrect. The appellant was appointed in Police department on 28.04.1994. On appointment, his date of birth was correctly recorded as 20.04.1971 in his service role and application while claim of his date of birth 20.04.1973 is quite illegal, without substance and changed during the course of service. (Copies attached as Annexure "A").
3. That the appellant has managed to change his date of birth in his CNIC which is also liable to be corrected, so that it could be made in conscience with his service record.
4. Correct to the extent of submission of departmental representation for correction in his date of birth. However, it is pertinent to mention here that he preferred the

instant representation after 28 years of his service in this department hence, not maintainable being badly time barred.

- 5. Incorrect as explained in above para.
- 6. Pertains to record. Furthermore, his representation was filed being not submitted within two years of his appointment in Police department under the law. The relevant para of Policy of provincial government is reproduced for reference:-

*"In future request for an alteration in the recorded date of birth of government servant may only be entertained by the Administrative Department in the case of civil servants in BS-16 and below, after special enquiry and only if the government servant applies for it within two years from the date of his entry into government service".*

Similarly chapter 9-7(2) of Police Rules 1934 provides that:-

*"Further orders as to the conditions under which alterations of age may be sanctioned are contained in letter No. 20076 (Home Gazette) of 4<sup>th</sup> July, 1928 from the Chief Secretary to Government Punjab. According to these orders, an alteration may only be made, after special enquiry, if applied for within two years of the applicant's entry into Government service. The Provincial Government may, however, make a correction in the recorded age of a Government servant at any time, if it is satisfied that age has been incorrectly recorded with the object that the government servant may deprive unfair advantage".* (Copies annexed as Annexure - "B").

The Apex Court Judgment dated 27.09.2022 passed in Civil Petition No. 3112 of 2020 titled Ali Bux Shaikh versus The Chief Secretary, Govt of Sindh, Karachi and others, in its para No. 08 provides that :-

*"There is no disbelief or reservation to the niceties of the aforesaid Rule but, the order way round, this Rule does not prohibit or restrain the competent authority from inquiring into cases where, on the face of it, certain interpolations are made by the Civil Servant in the service book, or where he provided wrong date in the service record. In such a case, obviously, the correction may be made after due satisfaction and inquiry and each case has to be decided in its own facts and circumstances".* (Copy attached as Annexure "C").

- 7. That the appellant tries to extend his service by decreasing his age in his service record, which is not warranted by any prevalent law. The instant appeal is not maintainable on the following grounds:-

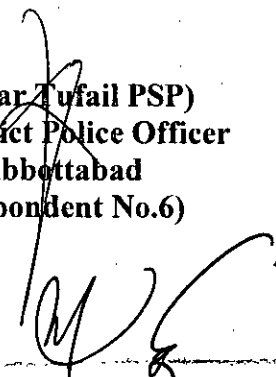
**ON GROUNDS: -**

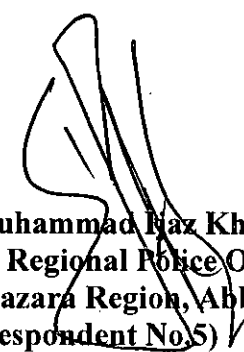
- a. Incorrect. The Impugned order is not violative of principle of natural justice and he was treated according to law and rules.

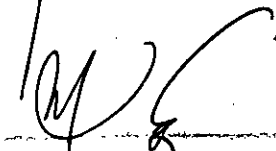
- b. Incorrect. The impugned order is legal, lawful and passed under the lawful authority, hence maintainable.
- c. Incorrect. No presumption of truth is attached to NADRA at this belated stage. The appellant managed correction in his CNIC with malafide attention.
- d. Incorrect. The correction of date of birth can only be made within two years of his appointment. Law does not permit respondents to correct his date of birth after 28/29 years of his service.
- e. Incorrect. The appellant was appointed on the basis of his education in the year 1994 and all the record provided by him contains his date of birth as 1971. (Copy of his service record is annexed as Annexure - "D").
- f. Incorrect.

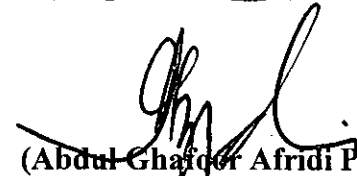
**PRAYER.**

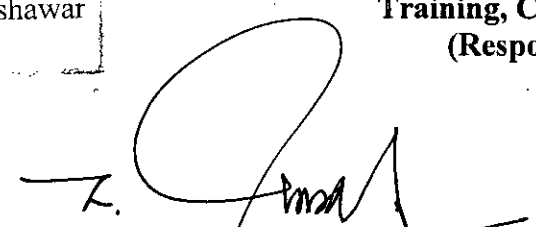
In view of above, it is most humbly prayed that the instant Service Appeal is badly time barred and does not hold any legal force which may graciously be dismissed with costs.

  
 (Umar Tufail PSP)  
 District Police Officer  
 Abbottabad  
 (Respondent No.6)

  
 (Muhammad Naz Khan PSP)  
 Regional Police Officer  
 Hazara Region, Abbottabad  
 (Respondent No.5)

  
 (Irfan Tariq) PSP  
 Deputy Inspector General of Police,  
 HQrs: Khyber Pakhtunkhwa, Peshawar  
 (Respondent No. 04)

  
 (Abdul Ghafiq Afridi PSP)  
 Deputy Inspector General of Police  
 Training, CPO Peshawar  
 (Respondent No.3)

  
 (DR. MUHAMMAD AKHTAR ABBAS PSP)  
 DIG/ Legal, CPO  
 For Inspector General of Police,  
 Khyber Pakhtunkhwa, Peshawar  
 (Respondent No. 2)

4

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**AUTHORITY LETTER.**

We, the above respondents do hereby authorize and allow Mr. Muhammad Zahoor DSP Legal, Abbottabad to file reply/ parawise comments on our behalf in the Honourable Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad in Service Appeal mention above and do whatever is needed in the court.

(Umar Tufail PSP)  
District Police Officer  
Abbottabad  
(Respondent No.6)

(Muhammad Ijaz Khan PSP)  
Regional Police Officer  
Hazara Region, Abbottabad  
(Respondent No.5)

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Deputy Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar  
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Khyber Pakhtunkhwa, Peshawar  
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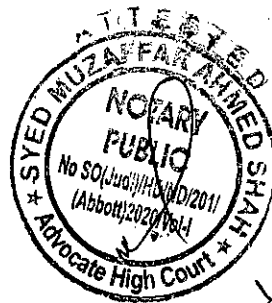
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.....Respondents.

**AFFIDAVIT.**

I, Umar Tufail, (PSP) do hereby affirm on oath that the contents of written reply are true to the best of my knowledge & belief and nothing has been concealed from the honorable Service Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/ cost.



(Umar Tufail PSP)  
District Police Officer  
Abbottabad  
(Respondent No.6)

FORM No. 19.25 (5)

PROGRESS REPORT

of

a Probationary Assistant Sub-Inspector, Sub-Inspector or Inspector of Police.

PART I

1. Name and <sup>Provincial</sup> Range No. Muhammad Javed No 2691A

2. Father's Name and profession Akbar Khan

3. Religion and caste Islam (Khatib)

4. Residence { Village: Nagri Bala Po Kala Bakh  
Police Station: Dunga Gali  
District: Abbottabad

5. Date of birth 20-04-1971

6. Height and chest measurement 5' 8 1/2" & 33" x 34 1/2"

7. Where educated, with name of school or schools, statement of educational qualification and examination passed. SSC GHS Nagri Bala Abbottabad  
FA Rawalpindi Board  
BA Peshawar University

8. Other qualifications, (Mention Territorial Force or Boy Scout qualifications, athletic distinctions, ability to ride, any other special attainments) Cricket

9. Names and degree of relationship of, and appointments held by, relatives in Government or other employ. Rameez s/o Liaquat Ali Nephew  
Army

10. Home of family Nagri Bala Po Kala Bakh AID

11. Full particulars of family, including a brief statement of claims, if any. Mother, Wife, 03 Daughters & one Son

*[Handwritten signature]*

Deputy Inspector-General of Police  
Dy. Inspector General of Police  
Hazara Range A. A. 400  
Lahore

7

P. MED. NO. 4

CSMD-M.F.9-728FG 5,000 No. of 100  
12-7-87-2001.

MEDICAL/CERTIFICATE.

Signature of Official Mohammed Javed  
 Name of race Kashmiri  
 Name of Candidate A. Akbar Khan  
 Residence Village: Nagari Bala, P.S., Nathi Gali,  
 Tehsil & Distt. Anantnag  
 Date of birth 10/4-1971  
 Height 5'8 1/2 chest 33 X 34 1/2  
 Physical mark of identification Nil  
 Signature of the official Javed  
 Signature of head of office [Signature]  
 Seal of Office

I do hereby certify that I have examined Mr: Muhammad Javed  
 Candidate for employment in the office of the SI in The Police Department  
 I can not discover that he had any disease communicable or other  
 constitutional affection or bodily infirmity except Nil  
 I do not consider this as disqualification  
 for employment in the office of the AS Anantnag  
 age according to his own statement (23) years and by  
 appearance about Twenty three years.

dated 28/4/94.  
HAND THUMB AND FINGER  
IMPRESSIONS

[Signature]  
 Medical Superintendent  
 Civil Hospital  
 28/4/94.

[Signature]  
[Signature]



Adm.

X-Ray Chest —

Blood Exp —

Urine - RE —

- 1 Vision... 6/6
- 2 Heart... NSM
- 3 Chest... clear
- 4 Goiter... nil
- 5 Liver & Spleen... 11. Post. ...
- 6 Hernia... 12 Other Abnormal
- 7 Hydrocoele
- 8 ...
- 9 ...
- 10 ...

Blower gramph 0 - ve.  
Negative  
sa

Zil

M. C. S. / ...

Inches ...  
Office ...  
ital ...  
aba

Christi Pa view  
No abnormal  
found  
seen  
seen

Dr. Nasir Khan Jadoon  
MBBS, FRCR, FRCR(D), FRCR(OAUN)  
U.H.Q. Hospital, Abbottabad

سکول ہنری ٹیڈ  
آخری درجہ بندی و معیار

314	کنیڈی بنز	نام	FA
27-4-94	تاریخ پورے	تاریخ پورے	4-5-94
10-4-71	تاریخ درجہ بندی	تاریخ درجہ بندی	10-4-71
5-8-1	قد	قد	5-8-1
33x34	چھاتی	چھاتی	33x34
	وزن	وزن	

قانون کا امتحان

نمبر شمار	مضمون	کل نمبرات	پہلی سہ ماہی	دوسری سہ ماہی	مجموعہ
1	قومیات پاکستان	100			69
2	ضابطہ توجیاری	100			77
3	لوکل اینڈ پبلس لاء وقانون شہادت	100			74
4	پولیس رولز	100			60
5	عمل کاروائی (دھوری)	100			75
6	عمل کاروائی (پریکٹیکل)	50			57
7	اسلامیات	100			72
8	دائریس	50			38
9	جزل ناچ (دھوری)	100			76
		825			598

ڈول

نمبر شمار	مضمون	کل نمبرات	پہلی سہ ماہی	دوسری سہ ماہی	مجموعہ
1	سکول ڈول	20			43
2	سکول ڈول	80			51
3	سیکشن فارمیشن	35			22
4	مجمع خلاف قانون	20			22
5	بینٹ	10			6
6	فرنگک	20			13
7	پلی ٹی	20			13
8	یوسی	20			11
9	لائیٹ بین	15			8
		300			192

جزل مضامین (زبانی)

نمبر شمار	مضمون	کل نمبرات	پہلی سہ ماہی	دوسری سہ ماہی	مجموعہ
1	علم	10			10
2	اسلوب بیان	10			10
3	کاپیاں	20			20
4	مشاہدہ	10			10
5	جزل ناچ	50			50
6	جغرافیہ	10			10
7	تاریخ	10			10
8	مذہب	10			10
9	حکاک	10			10
10	سائنس	10			10
		100			100

has passed law  
and drill subjects  
and has qualified recruit  
Course

598  
192  
790 - TOTAL

Chief of Police  
P.O. - P.O. Hangu

Handwritten signature and notes

# ہیستال شیک و دوبارہ بیماری

تاریخ داخلہ: \_\_\_\_\_

شیک تاریخ و سبب: \_\_\_\_\_

کل ایام: \_\_\_\_\_

کیفیت: \_\_\_\_\_

اسیما: \_\_\_\_\_

تفصیل انعام	تاریخ و سبب	درجہ انعام
...	...	...
...	...	...

تفصیل سزا: \_\_\_\_\_

آرڈر بک نمبر و تاریخ: \_\_\_\_\_

...

از	تا	کل ایام	کیفیت
...	...	...	...
...	...	...	...

...

...

...

...

He has passed law and drill subjects and qualified recruit course.

پروپیشن کی رپورٹ

R-11) (3)

## N.-W.F.P. PUBLIC SERVICE COMMISSION APPLICATION FORM



**FOR BANKS USE ONLY**

APPLICATION NO. 49089

Amount paid in words .....

APPLICATION FEE  
85/- + Rs. 15/- Bank Charges  
**Total Rs. 300/-**

Signature of Bank's Officer .....

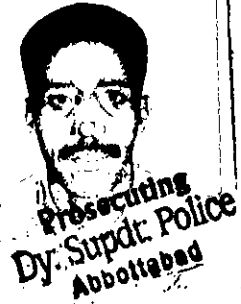
Seal of the Branch



ed for ASI

ment No. 011-2008

of Post R



Name in block letters

MUHAMMAD JAVED

Name in block letters

AKBIR KHAN

Postal Address

VILLAGE AND post office Ngrri Bala  
Mohalla Jamal

Permanent address, different from 3(a)

" "  
" "

No. of National Identity Card

13101-3632326-3

Telephone No.

Residence Nagrriballa

Office 03459573539

Region

Islam

Date of birth as per Secondary School Certificate.

10 / 04 / 1971  
 JU37      062      0227  
 1971 Year      04 Month      4 Days

Age on reckoning date.

Place of birth, District/Agency and Province.

Abbottabad (N.W.F.P)

Nationality of your wife/husband.

Pakistani

District/Agency of your Domicile.

Abbottabad

Zone of your Domicile. Tick mark (✓) the appropriate box (see details of Zone under Para 10 of Instructions attached with this form).

1     2     3     4     5

Zone of domicile of your husband (for married female candidates).

1     2     3     4     5

NWFP Public Service Commission

08 AUG 2008

DIARY NO. 4329

*[Handwritten signatures and initials]*

70

081-91-081686	شماره
افغان	دولت
کابل	پست
تلفون	شماره
10	شماره
No 316	شماره

Attached  
 Bill



حکومت پاکستان  
پنجاب



AX888895

*M. Javed*  
M. Javed  
M. Javed

Accountant-General,---vide Article 908 The Civil Service Regulations, but if this is not possible, the procedure described above should be followed.

(6) The pension claims of police officers of rank not higher than head constables, who are permitted by the Provincial Government to count their former military service towards civil pension under Article 356 of the Civil Service Regulations, should be treated under the ordinary rules, and the statement of service in Form 24 forwarded to the officer incharge, Pension Branch, Accountant-General's Office, Lahore, for verification of their claims to pension six months before their retirement as required by Article 907 (b) and (c) of the Civil Service Regulations.

**9.7. Alteration in age.**-(1) The date of birth shown in the character roll or corresponding record, can be altered only with the sanction of the Inspector-General of Police, on production of proof to his satisfaction. If the recorded age does not tally with that certified by an invaliding medical officer, board or committee, and the discrepancy affects the title to pension or liability to superannuation, the matter should be reported and the officer should not be discharged till the orders of the Inspector-General have been received. In the case of an officer whose year of birth or year and month of birth only is known, but not the exact date, the 1st July of the year or 16th of the month respectively should be treated as the date of birth for the purpose of calculation of pension,-vide note under article 283 of the Audit Code, Volume I. The date of birth of all officers enrolled before the 1st October, 1933 may be allowed to remain as already recorded.

(2) Further orders as to the conditions under which alterations of age may be sanctioned are contained in letter No. 20076 (Home Gazette) of 4th July, 1928 from the Chief Secretary to Government, Punjab. According to these orders, an alteration may only be made, after special enquiry, if applied for within two years of the applicant's entry into Government service. The Provincial Government may, however, make a correction in the recorded age of a Government servant at any time, if it is satisfied that age has been incorrectly recorded with the object that the Government servant may derive unfair advantage.

### COMMENTARIES

Civil servant who was a police officer was retired after attaining age of superannuation. Civil servant challenged his date of birth as entered in his service record on basis of Medical Certificate produced by him at the time of his appointment. Civil servant who could get this date of birth changed on furnishing adequate documentary evidence within two years of his employment, remained silent for more than 30 years and did nothing to agitate against such entry despite it being within his conscious knowledge. Civil servant who had slept over his right for about 30 years, could not be



**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

MR. JUSTICE SARDAR TARIQ MASOOD  
MR. JUSTICE AMIN-UD-DIN-KHAN  
MR. JUSTICE MUHAMMAD ALI MAZHAR

**CIVIL PETITION NO. 3112 OF 2020**

(Against the judgment dated 21.09.2020  
passed by the Sindh Service Tribunal at  
Karachi, in Appeal No.329 of 2020)

Ali Bux Shaikh

...Petitioner

**VERSUS**

The Chief Secretary, Government of Sindh, Karachi and others

...Respondents

For the Petitioner

Agha Muhammad Ali Khan, ASC  
Syed Rifaqat Hussain Shah, AOR

For Respondents:

Mr. S.M. Saulat Rizvi, Add: A.G.  
Through Video link (Karachi)  
Mr. M. Nasir, DIG (Prison)

Date of Hearing:

27.09.2022

**JUDGMENT**

**MUHAMMAD ALI MAZHAR, J.** This Civil Petition for leave to appeal is directed against the Judgment dated 21.09.2020, passed by the Sindh Service Tribunal at Karachi ("Tribunal"), whereby Service Appeal No.329 of 2020 filed by the petitioner was dismissed.

2. The transient facts of case are that the petitioner was appointed as Assistant Superintendent Jail (BS-14) in the year 1990. According to him, his date of birth was recorded as 01.01.1961 in the Service Book but in the provisional seniority list circulated by the Home Department on 15.06.2017, the date of birth of the petitioner was shown as 01.01.1958. The petitioner challenged this anomaly by filing a departmental appeal before the Home Department. The notification of retirement of the petitioner was issued on 27.10.2017, conveying his date



of retirement as 31.12.2017. Meanwhile, the petitioner also submitted his grievance to the concerned Minister and, according to him, the opinion of the Law Department was also sought. Thereafter, his retirement notification was withdrawn vide another Notification dated 26.08.2019, however, vide Notification dated 22.1.2020, the Home Secretary kept the earlier Notification dated 26.8.2019 in abeyance. Being aggrieved, the petitioner filed the aforesaid Service Appeal before the learned Tribunal, with the prayer that the impugned Notification dated 22.01.2020, whereby notification dated 26.08.2019 was held in abeyance, be declared illegal, but this request was not acceded to by the learned Tribunal.

3. The learned counsel for the petitioner argued that the date of birth of a civil servant, once recorded at the time of joining service, cannot be altered in terms of Rule 12-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974. The Home Department's act of disputing the date of birth of the petitioner was illegal. After thorough probe, the Notification conveying the petitioner's date of retirement was rightly withdrawn vide subsequent Notification dated 26.08.2019, hence there was no justification to keep the said notification in abeyance. It was further averred that the learned Tribunal had not only ignored the educational testimonials of the petitioner, but also failed to consider other important aspects and dismissed the appeal without proper application of mind.

4. Heard the arguments. The petitioner has already been retired from service with effect from 31.12.2017, pursuant to the notification dated 27.10.2017. The nitty-gritties of the case make it obvious that, against the provisional seniority list dated 15.6.2017, the petitioner filed a representation by means of which he asserted that his correct date of birth is 01.01.1961, and not 01.01.1958, and he also made a request for correction but his representation was rejected vide order dated 15.9.2017, passed by the competent authority. According to the line of argument dredged up by the Home Department, there was some interpolation in the service book, as the date of birth of the petitioner at the time of entry in service was recorded as 32 years based on a medical examination dated 19.06.1990, but in the attested copies of the service book his age was shown as 29 years. So far as the notification dated 26.08.2019 is concerned, it was articulated that it was managed by the

petitioner to frustrate his retirement notification and such unlawful favour was attained on the basis of a fake certificate from the Board of Intermediate and Secondary Education, Hyderabad, Sindh ("Board"). The learned counsel for the petitioner invited our attention to the letter of the Board dated 20.12.2019 which was communicated to the Home Secretary, Sindh with regard to the verification of the petitioner's testimonial in which it was averred that, according to their record, the date of birth of the petitioner is 1.1.1961. However, this letter was declared fabricated and fake vide another letter dated 28.07.2020 by the Board through its Controller of Examination in which they re-verified, according to their record, that the date of birth of the petitioner is 1.1.1958, hence there is no substance in the argument of the learned counsel for the petitioner that earlier the Board had verified the date of birth of the petitioner as 1.1.1961 as this was found to be a forged/fabricated document.

5. The record also reflects a certificate issued by the Board on 10.07.2020 through the Controller of Examinations to the Additional Chief Secretary, Home Department, Sindh, which affirms that after due verification from the relevant record of the Board, two certificates (i.e. E072895 and E065517) of the candidate Ali Bux s/o Muhammad Azeem (seat No. 27753) of Annual Examination 1976 (Second Division) with the date of birth 1.1.1961 were found to be bogus and had never been issued by the Board. However, the third certificate bearing No. E072895 of Annual Examination 1976 with the date of birth 1.1.1958 was found to be correct and issued by the Board. The Notification dated 29.07.2020 is also worth mentioning which encompasses the decision of the Additional Chief Secretary, Home Department, Sindh with regard to the claim of the petitioner for alleged correction in the date of birth which was rendered after providing an opportunity of personal hearing to the petitioner where he was also confronted with his Matric Certificate, on which his date of birth was shown as 1.1.1958 as well as a proforma submitted by himself containing his date of birth as 1.1.1958. It is further reflected from the aforesaid notification that the petitioner was also confronted with his past seniority lists containing the same date of birth which were never challenged by the petitioner.

6. In order to verify the truthfulness of the petitioner's claim, the learned Tribunal also summoned the Original General Register from the Primary School in which the petitioner was admitted, but the leaf containing his name and date of birth was found torn by using the tape solution and no other page was found in such condition. The letter of the Board referred to above also made it clear that the actual date of birth of the petitioner is 1.1.1958. However, on 26.8.2019, a notification was issued by means of which, the retirement notification of the petitioner was withdrawn on the perception that his date of birth is 1.1.1961 but it was kept in abeyance by a subsequent notification dated 22.1.2020, meaning thereby that the Notification dated 26.9.2019 was never acted upon and for this reason alone, the petitioner approached the Tribunal to assail the Notification dated 22.1.2020, but his service appeal was dismissed after dilating upon all legal and factual aspects of the case.

7. One more important facet that cannot be lost sight of is a reference to CPLA No.135 of 2018, brought to light in the Notification dated 29.07.2020 which was filed by the petitioner in this Court to challenge the High Court order wherein he acknowledged and self-proclaimed that his date of retirement is 31.12.2017. When we found the reference of CPLA No.135 of 2018, in order to verify this piece of information, we checked the memo of appeal and detected that in paragraph 6, the petitioner himself mentioned that he will retire from service on 31.12.2017, which is the same date of superannuation mentioned in his notification of retirement. Article 114 of the Qanun-e-Shahadat Order, 1984, defines the doctrine of estoppel. If a person by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief then he is not allowed in any suit or proceeding to deny the truth of that thing. In fact this principle is established on equity and fair-mindedness with the sole intention to nip in the bud the element of fraud and deception in order to ensure justice. Whereas the doctrine of acquiescence is also germane to the conduct and what is more, the doctrine of approbation and reprobation are also applicable in the present set of circumstances of the case, wherein the petitioner himself elected and disclosed his correct date of birth in the earlier CPLA filed in this Court therefore, at this stage he cannot contradict or belie his correct date of birth and cannot be allowed to resile from his own admission.

8) The main contention of the petitioner was that under Rule 12-A of the Sindh Civil Servants (Appointments, Promotion and Transfer) Rules 1974, the date of birth once recorded by a civil servant at the time of joining Government service shall be final and no alteration shall be permissible and the age mentioned in the service book shall be given preference. (There is no disbelief or reservation to the niceties of the aforesaid Rule but, the other way round, this Rule does not prohibit or restrain the competent authority from inquiring into cases where, on the face of it, certain interpolations are made by the Civil Servant in the service book, or where he provided wrong date in the service record. In such a case, obviously, the correction may be made after due satisfaction and inquiry and each case has to be decided on its own facts and circumstances.) In the case in hand, the actual date of birth of the petitioner has been verified and proved beyond any reasonable doubt and after due diligence and satisfaction, the competent authority has taken the decision which was affirmed by the Tribunal. The petitioner cannot plead that by all means, the wrong entry made in the service book should be treated sacrosanct or as gospel truth which could not be rectified in any circumstances, despite being found and proved to be incorrect, deceitful and or interpolated.

9. As the result of the above discussion, no case for interference is made out. The petition is dismissed and leave is refused.

Judge

Judge

Judge

Islamabad the  
27<sup>th</sup> September, 2022  
Khalid  
Approved for reporting

Amarsy's D 17

CHARACTER AND

ALL OF

REGISTRATION NO. ( ) in ( ) in ( ) in



AX888895

M. J. Jaiswal

Name: Akbar Khan  
Father's Name: Akbar Khan

Department: Forward

Name: Akbar Khan

Name: Akbar Khan

Name: Akbar Khan

Name: Akbar Khan

Name: Akbar Khan

Name: Akbar Khan

Name: Akbar Khan

Name: Akbar Khan

Name: Akbar Khan

Name: Akbar Khan

Name: Akbar Khan

Verification Roll No. dated received back and attached to the File No.

Government Service prior to present appointment, which is approved for pension service.

Office or department	Rank or Grade	Pay of last Appointment	From	To	PERIOD		
					Years	Months	Days

of and character of service from

TAHBA, PUNJ ADVOCATE P.A.T. COMMISSIONER

reference to orders approving above service for pension service in the Police Department.

I understand that I have been appointed under section 8 of the Police Act (V of 1947) and the purpose of that provisions of the Act and of the Rules issued under it and now in force, to which my discipline and conduct are governed. I agree to serve faithfully under the provisions of the said Police Act and to obey all lawful orders issued by Superior Officers and not to resign my appointment within three years from the date of my appointment. I certify that I have read and understand the contents of the certificate of appointment issued under section 8 of the Police Act (V of 1947).

Impression of fingers and thumb of left hand.

S. S. S. S. Superintendent of Police

Left ring	Left middle	Left index	Left thumb
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**CHARACTER AND SERVICE ROLL OF**

Name	Father's Name	Caste										
Muhamamd Javed	Akbar Khan	Karlal	Nagri Bala	Kala Bagn	Nathia Gali	Abbottabad	N.W.F.P	20-04-1971	5.8½	33 x 34	2.½	28/04/1994
23 Year - x Month - 8 days												

Verification Roll No. Dated Received back and attached to the Fauji Misal

Government Service to present employment which is approved for pension service

Police or department	Rank or Grade	Pay of last appointment	From	To	Period		
					Year	Month	Days
Reference to orders approving above service for pension service in the police department							

I understand that I have been appointed under section 7 of the Police Act (V of 1861) and the purpose of that second provision of the Act and of the Rules issued under it and now in force by which my discipline and conduct are governed, explained to me. I agree to serve faithfully under the provisions of the said Police Act and to obey all lawful order issued to me by Superior Officers and undertake not to resign my appointment within three years from the date of my enrolment. I and a certificate of appointment issued under section 8 of the Police Act (V of 1861).

impression of fingers and thumb of left hand.

little	Left ring	Left middle	Left Index	Left thumb
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